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OFFICE OF PETITIONS

In re Application of
Henry Esmond Butterworth
Application No. 09/338,035
Filed: 22 June, 1999
Atty Docket No. UK999026

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed on 31 March, 2004, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The application became abandoned on 15 May, 2003, for failure to timely file a response to the final Office action mailed on 14 February, 2003, which set a three (3) month shortened statutory period for reply. An amendment after final filed on 3 May, 2003, was found by the examiner not to place the case in *prima facie* condition for allowance, and an Advisory Action was mailed on 2 June, 2003. The RCE, amendment, and extension of time filed on 15 August, 2003, were untimely. Notice of Abandonment was mailed on 10 February, 2004.

The application has been restored to pending status.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.¹ The three-month extension request and fee of \$930.00 filed on 15 August, 2003, was submitted more than six (6) months after the mailing date of the Office action mailed on 14 February, 2003, and therefore is unnecessary. Additionally, a petition fee of \$110.00 is due. As such, the balance of \$820.00, will be credited to counsel's deposit account, No. 50-0150 as authorized in the present petition.

¹See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

The application file is being forwarded to Technology Center 2100 for consideration of the RCE and amendment filed on 15 August, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Examiner
Office of Petitions